

Aaron J. Solomon, Esq.  
OVED & OVED LLP  
*Attorneys for Defendant*  
401 Greenwich Street  
New York, NY 10013  
212.226.2376

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NEW ANGLE DIRECT LLC and  
ONE BARSTOW PROPERTIES, INC.,

Docket No: 2013-CV-4432 (JS) (WDW)

**ANSWER WITH AFFIRMATIVE DEFENSES**

*Plaintiffs,*

-against-

ARGENTO SC BY SICURA INC,

*Defendant.*  
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Defendant Argento SC By Sicura Inc. ("Defendant"), by and through its attorneys Oved & Oved LLP, upon information and belief, by way of answer to Plaintiff's Complaint, and alleges as follows:

1. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint.
2. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint.
3. Defendant denies the allegations contained in Paragraph 3 of the Complaint, except states that Defendant is a corporation organized and existing under the laws of the State of New York and maintains an office in New York.
4. The allegations contained in Paragraph 4 of the Complaint state conclusions of law to which no response is required and, to the extent such allegations are deemed factual, Defendant denies the allegations stated in Paragraph 4 of the Complaint.

5. Defendant denies the allegations contained in Paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in Paragraph 6 of the Complaint.
7. Defendant denies each and every allegation set forth in the “WHEREFORE” clause and specifically deny that Plaintiffs are entitled to any relief whatsoever.
8. Defendant denies each and every other allegation contained in the Complaint not expressly admitted in this Answer.

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs fail to state a cause of action for which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs’ claims are barred because the alleged patent upon which they predicate their claims is invalid.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs’ claims are barred because Defendant did not infringe any claimed elements of Plaintiffs’ alleged patent.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs’ claims are barred because any similarity between Defendant’s products and the claimed elements of Plaintiff’s alleged patent is *de minimus* and insufficient to constitute infringement.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs’ claims are barred by the doctrines of anticipation, derivation, priority, obviousness and inequitable conduct during the application and prosecution of the alleged patent.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the doctrines of estoppel, waiver, discharge, laches, and unclean hands

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to mitigate damages, if any, allegedly sustained.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred because it has suffered no damages.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred because Plaintiffs would be unjustly enriched if permitted to recover on the complaint.

**RESERVATION OF RIGHTS**

Defendant gives notice that it intends to rely upon additional affirmative defenses that become available or apparent during discovery and reserves the right to amend this Answer to assert such additional defenses.

**JURY DEMAND**

Defendant demands a jury trial.

**DEFENDANT'S PRAYER FOR RELIEF**

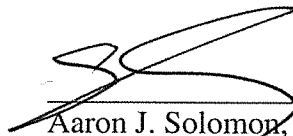
**WHEREFORE**, Defendant hereby requests that the Court grant them the following relief:

- (i) dismiss the Complaint in its entirety with prejudice;
- (ii) award Defendant its costs and disbursements incurred in this suit;
- (iii) award Defendant its reasonable attorneys' fees to the full extent permitted by applicable law.

(iv) grant Defendant such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
December 16, 2013

Respectfully submitted,



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Aaron J. Solomon, Esq.  
OVED & OVED LLP  
*Attorneys for Defendant*  
401 Greenwich Street  
New York, New York 10013  
Tel.: 212.226.2376